

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 TV INTERACTIVE DATA CORPORATION, a
4 California Corporation,

5 Plaintiff,

6 v.

7 SONY CORPORATION; SONY COMPUTER
8 ENTERTAINMENT INC.; SONY COMPUTER
9 ENTERTAINMENT AMERICA, INC.; SONY
10 CORPORATION OF AMERICA; SONY
11 ELECTRONICS, INC.; SAMSUNG ELECTRONICS
12 CO., LTD.; SAMSUNG ELECTRONICS AMERICA,
13 INC.; ROYAL PHILIPS ELECTRONICS N.V.;
14 PHILIPS ELECTRONICS NORTH AMERICA
15 CORPORATION; TOSHIBA CORPORATION;
16 TOSHIBA AMERICA, INC.; TOSHIBA AMERICA
17 CONSUMER PRODUCTS, L.L.C.; VICTOR
18 COMPANY OF JAPAN, LTD.; JVC AMERICAS
19 CORP.; LG ELECTRONICS, INC.; LG
20 ELECTRONICS U.S.A., INC.; ZENITH
21 ELECTRONICS LLC; PIONEER CORPORATION;
22 PIONEER ELECTRONICS (USA) INC.; SHARP
23 CORPORATION; SHARP ELECTRONICS
24 CORPORATION; FUNAI ELECTRIC CO., LTD.;
25 FUNAI CORPORATION, INC.; D&M HOLDINGS
26 INC.; D&M HOLDINGS US, INC.; AND DENON
27 ELECTRONICS (USA), LLC,

28 Defendants.

Case No. C 10-00475 PJH

**STIPULATION AND
[PROPOSED] AMENDED
ORDER/COMMISSION FOR
DEPOSITIONS TO BE TAKEN IN
JAPAN**

**DEPONENT:
FUNAI ELECTRIC CO., LTD.
AND INDIVIDUALS**

JOINT STIPULATION

Beginning on or about October 17, 2011, TV Interactive Data Corp. ("TVI") will begin depositions of certain witnesses from Funai Electric Co. Ltd. ("Funai") at the U.S. Consulate in Osaka-Kobe. TVI and Funai hereby submit and jointly stipulate to the following Proposed Amended Order/Commission for Depositions to be Taken in Japan.

The following Proposed Amended Order/Commission for Depositions to be Taken in Japan differs from the Order/Commission for Depositions to be Taken in Japan signed by Magistrate Judge Lloyd on August 31, 2011, in the following ways:

(1) The Proposed Amended Order/Commission includes an additional check interpreter in section 2: Akiko Hirashima;

(2) The Proposed Amended Order/Commission includes the full name of the individual previously identified as "Mr. Onishi" in sections 1 and 2: Kazuaki Onishi; and

(3) The Proposed Amended Order/Commission adds Mr. Kanji Imanishi as a deponent.

**FOR PLAINTIFF TV INTERACTIVE DATA CORP.
ROBINS, KAPLAN, MILLER & CIRESI, L.L.P.**

By: /s/ Sang Young A. Brodie
Sang Young A. Brodie (pro hac vice)
E-mail: sybrodie@rkmc.com
Richard M. Martinez (pro hac vice)
E-mail: rmmartinez@rkmc.com
Trevor J. Foster (pro hac vice)
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Victor C. Chan (pro hac vice)
E-mail: vcchan@rkmc.com

Dated: October 7, 2011

1 **FOR DEFENDANT FUNAI ELECTRIC CO., LTD. AND INDIVIDUAL DEPONENTS:**
2 **BAKER & HOSTETLER, LLP**

3 By: /s/ Kevin W. Kirsch
4 Kevin W. Kirsch
5 E-mail: kkirsch@bakerlaw.com
6 David A. Mancino
7 E-mail: dmancino@bakerlaw.com
8 John F. Bennett
9 E-mail: jbenett@bakerlaw.com

10 Dated: October 7, 2011

11 I, Kevin W. Kirsch, am the ECF user whose User ID and Password are being utilized in the
12 electronic filing of the STIPULATION AND [PROPOSED] AMENDED
13 ORDER/COMMISSION FOR DEPOSITIONS TO BE TAKEN IN JAPAN. Pursuant to the
14 Northern District of California's General Order 45(X)(B), I attest that concurrence in the filing
15 has been obtained from Sang Young A. Brodie.

16 Dated: October 7, 2011

/s/ Kevin W. Kirsch

Kevin W. Kirsch

**[PROPOSED] AMENDED ORDER/COMMISSION FOR DEPOSITIONS TO BE TAKEN
IN JAPAN**

TO: ANY CONSUL OR VICE CONSUL OF THE UNITED STATES OF AMERICA
AT OSAKA-KOBE, JAPAN

Upon the application of Complainant TV Interactive Data Corporation (“TVI”), in *TVI Data Corp. v. Sony Corp., et al.*, Inv. No. 10-00475, before the U.S. District Court for the Northern District of California, and pursuant to Article 17 of the United States – Japan Consular Convention,

IT IS ORDERED THAT the depositions on notice of the following witnesses may be taken at the U.S. Consulate in Osaka-Kobe, Japan, on one or more dates during the period from on or about October 17, 2011, at 8:30 a.m. to on or about November 10, 2011 at 4:00 p.m. as follows, and that any documentary exhibits in connection therewith be marked:

1. Fed. R. Civ. P., Rule 30(b)(6) deposition of Funai Electric Co., Ltd.

Funai Electric Co., Ltd.
7-7-1 Nakagaito, DaitoCity
Osaka 574-0013, Japan

Potential witnesses for the Fed. R. Civ. P., Rule 30(b)(6) deposition of Funai Electric Co. include, at the discretion of Funai Electric Co., any combination of one or more of the following:

| | |
|-------------------|--------------------|
| Goro Seki | Tadashi Shimoguchi |
| Kazuyuki Fujiwara | Tsuyoshi Kamitani |
| Yoshikazu Fujita | Hideo Saito |
| Makato Takemoto | Hiroki Nakamura |
| Shigeru Yokota | Jun Tateishi |
| Yoichi Kanazawa | Kazuaki Onishi |
| Kozo Wada | |

2. Fed. R. Civ. P., Rule 30(b)(1) depositions of individuals

Potential witnesses for depositions under Fed. R. Civ. P., Rule 30(b)(1) include:

///

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Goro Seki
Kazuyuki Fujiwara
Yoshikazu Fujita
Shinji Seki
Makato Takemoto
Shigeru Yokota
Yoichi Kanazawa

Kozo Wada
Tadashi Shimoguchi
Tsuyoshi Kamitani
Hideo Saito
Hiroki Nakamura
Jun Tateishi
Kazuaki Onishi
Kanji Imanishi

Counsel for Defendant Funai Electric Co. who will participate in said depositions are Kevin W. Kirsch, David A. Mancino, and John F. Bennett. In addition, William Mangioni-Smith may attend on behalf of Funai Electric Co.

Members of Funai Electric Co.'s Intellectual Property Group that may attend the depositions include Hisao Tatsumi, Goro Seki, Hiroki Nakamura, and Takafumi Ishii.

Check interpreters that may be attending the depositions include:


Yoshiyuki Onishi
Christopher Field
Asami Isomichi
Mia Matsumura
Junko Sumida
Toyu Yazaki
Ellen Shang Travis
Akiko Hirashima

Counsel for TVI who will participate in said depositions are Richard M. Martinez, Sang Young A. Brodie, Trevor J. Foster, and Victor C. Chan. In addition, James Tornes and Andrew Wolfe may attend on behalf of TVI.

Jared Taylor will act as interpreter.

The proceedings will be recorded by Christopher Sheppard Hanlon, Lee Anthony Bowry, Peter Wai Kwong Au, Jeffrey Marc Menton, Randell Buckler, Deborah Marshall, Jodi Harmon, Lawrence Paul Nelson, Melanie Louise Giamarco, Tracey LoCastro and/or Randi Birnhak with American Realtime Court Reporters & Videographers. Please cause the testimony of said witnesses to be recorded by video and reduced to writing; the depositions to be signed by said witnesses; said deposition testimony to be annexed to your Commission and closed under your seal; and the return of these materials to this Court with all convenient speed.

1 WITNESS, the Honorable Phyllis J. Hamilton, United States District Judge of the United States
2 District Court, Northern District of California, this 12th day of October 2011.

3
4 
5 Honorable Phyllis J. Hamilton
6 United States District Court
7 Northern District of California
8 Oakland Courthouse, Courtroom 3 - 3rd Floor
9 1301 Clay Street,
10 Oakland, CA 94612

11 I hereby certify that the signature above is that of the Honorable Phyllis J. Hamilton, United
12 States District Judge of the United States District Court, Northern District of California.

13 _____ Clerk of the Court.

14 By: _____

15 Deputy Clerk: _____

16 Seal:

CERTIFICATE OF SERVICE

I declare that I am employed with the law firm of Baker & Hostetler LLP, whose address is 312 Walnut Street, Suite 3200, Cincinnati, Ohio 45202. I am not a party to the within cause, and I am over the age of eighteen years.

I further declare that on October 7, 2011, I served the following:

STIPULATION AND [PROPOSED] AMENDED ORDER/COMMISSION FOR DEPOSITIONS TO BE TAKEN IN JAPAN

☒ **BY ELECTRONIC SERVICE** by electronically mailing a true and correct copy through Baker & Hostetler LLP's electronic mail system to the e-mail addresses set forth below per agreement of the parties in accordance with Fed. R. Civ. P. 5(b).

Robert E. McBride
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Mayer Brown LLP
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Washington, DC 20006-1101

Sten Anker Jensen
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☐ **BY MAIL** by placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with the firm's practice of collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in Cincinnati, Ohio, in sealed envelopes with postage fully prepaid.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 7, 2011, in Cincinnati, Ohio.

/s/ John F. Bennett
John F. Bennett